REMARKS

Claims 1-11 and claims 13-17 are pending in this case, claim 12 has been withdrawn. All claims stand rejected for the reasons discussed below.

The examiner has maintained the rejection of claims 13-17 under 35 USC §112, arguing that the claims do not clearly recite the steps of utilizing the cover plate. Claims 13-17 have been amended in order to meet the formal requirements of §112. The amendments to these claims find support on page 10, lines 32-45 of the specification.

The examiner has rejected claims 1-11 and 13-17 under 35 USC 103(a) as unpatentable over Meier et al (USP 5,830,552). However, applicants wish to request reconsideration of this rejection for the reasons outlined below.

Applicants assert that the examiner has failed to establish a *prima facie* case of obviousness. Three requirements must be fulfilled in order for a *prima facie* case of obviousness to be satisfied. First, there must be some suggestion or motivation in the references themselves or available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references combined must teach or suggest all the claim limitations. MPEP §2143. Both the suggestion to carry out the claimed process and the reasonable expectation of success must be found in the prior art and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). Additionally, the level of ordinary skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp.* v. *VSI Int'l Inc.*

174 F.3d 1308, 50 USPQ2d 1161, 1171 (Fed. Cir. 1999). With respect to the instant invention, applicants are convinced that the examiner has failed to meet this burden.

The examiners' remarks incorporate a hindsight view of the prior art that encompasses the applicants' disclosure. There are three possible sources for motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-1458 (Fed. Cir. 1988). In this instance the examiner has failed to identify any of these sources as providing a motivation to combine the reference with the knowledge of one of ordinary skill in the art.

The examiner suggests that because a general use for a cover plate is disclosed in Meier, it would be obvious for one of ordinary skill in the art to incorporate the functional elements of applicants invention. In support of this argument the examiner cites Column 4, lines 54-59 which describes the leg of the inner frame or the injection molded on strip has the necessary sections for fixing the plate to the kitchen appliance casing. The description states:

> The plate constructed according to the invention is intended mainly as a cover plate for kitchen appliances. Thus, the leg of the inner frame or the injection moulded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing.

Thus, the disclosure merely describes the means by which the plate is fixed to a kitchen appliance and does not provide a suggestion to modify the Meier reference to that of the instant invention.

Furthermore, a complete review of the Meier reference teaches away from the

instant invention. The MPEP requires that a reference must be considered in its entirety including disclosures that lead away from the claims. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ2d 303 (Fed. Cir. 1983). *cert. denied* 469 U.S. 851 (1984). Citing *Gore*, MPEP §2141.02 states, "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." (emphasis in original).

In reviewing the Meier reference applicants note that "welding" is discussed in six instances; Col. 2 line 60, Col. 3 line 37, Col. 4 lines 29-30, Col. 4 line 51, Col 7 lines 5 and 64, Col. 6 lines 18-22. However, in each instance Meier discloses that the two legs are joined by welding or bonding. Col. 2, line 60. The only instance in which Meier teaches welding other than at the legs of the frame is column 4, lines 50-53. Here Meier teaches that there may be bonding or welding in the vicinity of the locking connection which may optionally only be in a punctiform manner, i.e. at certain points. Accordingly, it seems Meier teaches that the wood is connected with the coating material by mechanical clamping at the edges with optional bonding or welding at specific points. However, the reference seems unclear in where or what is welded together.

Moreover, the Meier reference emphasizes the easy separation of separate parts. Column 5, lines 17-19 state, "At the time of reutilization it is easily possible to separate the parts or the materials forming them in type-pure manner." The disclosure further emphasizes this advantage by stating that at the time of disposal, the edge

protection can be detached from the core plate with little force being required. Col. 2, lines 63-65. Accordingly, the Meier reference teaches that the portions of the cover plate can be easily separated because they are held in place by the mechanical enclosure of the frames. Thus, it is a difficult argument to make that a reference which teaches easy separation of pieces could provide the suggestion to produce the instant invention.

In contrast to the disclosure of Meier, the instant invention describes a strong connection between a polypropylene decorative part and a polypropylene reinforcer by means of welding the two parts together over the small area of their contact. The plate of the instant invention discloses a reinforcer which has the structure of a sheet, box or crate which integrates molded-on functional elements pertaining to dispenser boxes, condensation boxes, apparatuses for an integrated means of conveying water, or retaining elements for valves or elements to fasten the cover plate to the device or fastening cables or tubing which is integrated into the reinforcer or the upper part of a functional element is integrated into the reinforcer. Thus, the general disclosure of a frame for attachment would not suggest to one of ordinary skill in the art to produce the reinforcer with integrated molded-on functional elements of the instant invention. Nor would it suggest to one or ordinary skill in the art a molded-on functional element that is used for attachment As a result, the examiner has failed to establish a motivation to modify the Meir reference to that of the instant invention.

One of ordinary skill in the art would not have a reasonable expectation of success of producing the instant invention in light of the disclosure of Meier. Meier requires a wooden core plate which may have a top surface of glass, plastic or metal. In contrast, the instant invention is composed of (1) a decorative part and (2) a reinforcer having the structure of a sheet or box or crate. The decorative part is comprised of a decorative layer applied on a support. The support and the reinforcer is composed of a thermoplastic polymer. Moreover, these components are welded together. It is unclear how Meier, containing a wood core plate, could provide one of ordinary skill in the art with an expectation of success for a plate which is welded together as it is unclear whether wood may be successfully welded.

The Meir reference does not teach or suggest all the limitations of the rejected claims. Claim 1, from which claims 2-11 depend, contains the element of molded-on functional elements where the reinforcer has the structure of a sheet or box or crate and has a closed lower side. The examiner argues that while the reference does not specifically mention molded-on functional elements, Meir discloses that the leg of the frame has the necessary section or profiles for fixing the plate to the kitchen appliance casing. However, as discussed above, mere attachment of the cover to a casing does not suggest functional elements for the operation of a kitchen appliance. The fact that a prior art device could be modified so as to produce the claimed device is not a basis for an obviousness rejection unless the prior art suggested the desirability of such a modification. *In re Gordan*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, the examiner has failed to make out a case of *prima facie* obviousness. Applicant's respectfully request the rejection be withdrawn.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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COMPLETE LISTING OF ALL CLAIMS IN THE APPLICATION

1. (Original) A cover plate for household devices, comprising a decorative part and a reinforcer with integrated, molded-on functional elements, where the reinforcer has the structure of a sheet or box or crate and has a closed lower side.

2. (Original) A cover plate as claimed in claim 1, where the decorative part is composed of a support, of a decorative layer applied thereto, and of a heat-cured layer situated on the decorative layer.

3. (Original) A cover plate as claimed in claim 2, where the decorative part also has an intermediate layer between the support and the decorative layer.

4. (Original) A cover plate as claimed in claim 1, where the support is composed of a thermoplastic.

5. (Original) A cover plate as claimed in claim 1, where the reinforcer has the structure of a sheet.

6. (Original) A cover plate as claimed in claim 1, where the reinforcer has the structure of a box or crate.

7. (Original) A cover plate as claimed in claim 1, where the reinforcer also has ribs.

8. (Original) A cover plate as claimed in claim 1, where the integrated, molded-on functional element comprises a dispenser box.

9. (Original) A cover plate as claimed in claim 1, where the integrated, molded-

on functional element comprises a condensation box.

10. (Original) A cover plate as claimed in claim 1, where the integrated, molded-on functional element has an apparatus for an integrated water duct.

11. (Original) A cover plate as claimed in claim 1, where the reinforcer is composed of thermoplastic.

12. (Withdrawn) A process for producing a cover plate as claimed in claim 1, which comprises firstly securing integrated, molded-on functional elements to the reinforcer and then bonding the reinforcer to the decorative part by welding.

13. (Currently amended) A method of ~~utilizing~~ connecting a cover plate as claimed in claim 1, which comprises firstly securing integrated, molded-on functional elements to the reinforcer and then bonding the reinforcer to the decorative part by attaching a snap connector.

14. (Currently amended) A method of ~~utilizing~~ connecting a cover plate as claimed in claim 1 as constituent of a household device.

15. (Currently amended) A method of ~~utilizing~~ connecting a cover plate as claimed in claim 14 as constituent of household dryers.

16. (Currently amended) A method of ~~utilizing~~ connecting a cover plate as claimed in claim 14 as constituent of a washing machine.

17. (Currently amended) A method of ~~utilizing~~ connecting a cover plate as claimed in claim 14 as constituent of a dishwasher.